

**Alexandria Township  
Land Use Board  
Meeting Minutes November 19, 2020**

**Chair Phil Rochelle** called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:32pm. The meeting was duly noticed.

**MEMBERS PRESENT:** Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Deputy Mayor Kiernan, Committeeman Pfefferle, Pauch, Kimsey and Hahola.

**MEMBERS ABSENT:** Giannone

**OTHERS PRESENT:** Kara Kaczynski-Board Attorney, Tom Decker-Board Engineer, and David Banisch – Board Planner, Gaetano De Sapio applicant - Attorney, Yuuji Crance, Jay Troutman, and Charles Bonin.

**Approval of the October 15, 2020 Meeting Minutes**

A motion to approve the October 15, 2020 meeting minutes with revisions was made by **Pauch** and seconded by **Papazian**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Tucker, Deputy Mayor Kiernan, Pauch and Kimsey. Abstain: Canavan, Committeeman Pfefferle, and Hahola. No Nays. Motion Carried.**

**New and Pending Matters**

- **De Sapio Properties #6 Inc. and Delaware River Tubing, Inc. – Amended Site Plan**  
Block 17.01 Lot 12  
776 Milford-Frenchtown Road

**Chair Rochelle** asked that before the Board continues with the application that he would like to have clarification from the Board engineer that there were some items that he was expecting in connection with the application, but they were not provided. **Decker** advised the Board that on November 5<sup>th</sup> there was a resubmission that included revised plans, a response letter from Mr. De Sapio, some color photos, and a one-page statement concerning stormwater management. In the application there was some conflicting information. As mentioned in the last meeting, the stormwater management design had been eliminated from the plans. Mr. De Sapio had said at the time that they were going to demonstrate that the applicant did not believe that stormwater management was required. **Decker** did receive the statement included in the November 5<sup>th</sup> submission; however, the plans added a stormwater management basin back on. It was reconfigured from what was originally shown and is a different type of basin, it is a bio retention basin, but there were no calculations provided. He advised the board has conflicting information in the submittal, where in one statement it said that they do not believe they need stormwater management however in the plans sent a stormwater management basin has been added but no calculations have been provided. As such, he could not review the proposed basin which had been completely redesigned but with no calculations to support that which was the documentation that was missing. In addition, there was no documentation in support of why the applicant feels that stormwater management would not be required which is why **Decker** generated his letter with historical photos which is why they are where they are in the review. **Chair Rochelle** advised that he believed that the Board was clear with the deficiencies of the application and what was needed to be submitted for the next meeting. He asked the attorney that since there are still deficiencies in the application if

they are still incomplete and asked if it is still possible to proceed to have a productive hearing on the matter. **Kaczynski** advised that as a result of the last meeting the agreement was for the stormwater management information on the plans along with the corresponding calculations in order to deem the application complete so the Board could review it. She continued the applicant would then be free during the public hearing to be able to explain why they felt that stormwater management was not necessary and was going to submit something so that the engineer could review it before the hearing so that the engineer could give his opinion. She advised that now we now have the stormwater management back on the plans but that has been revised from the initial stormwater management information on the plans and there are no calculations for the engineer to review in connection with the new design. **Kaczynski** advised that the Board has two options right now which is to deem the application incomplete because the calculations are not provided, or the Board can grant a waiver, and said that what she is hearing from the board engineer is that he needs those calculations in order to fully review the management. She asked the engineer to advise whether or not he would be in support of granting such a waiver. **Chair Rochelle** advised that to him to move forward to hear testimony on technical information that needs to be interpreted by the board's engineer and boiled down so that the board could understand would be putting the cart before the horse to be able to move forward unless **Decker** felt that it would be okay to grant a temporary waiver and then the board could proceed. Mr. De Sapio asked to be heard and advised that he was not aware until the engineer's letter that the calculations did not accompany the new revised plan. He advised that he would like to propose that the furnishing of the calculations be waived for the purposes of tonight's completeness review. The applicant would put in its presentation with regards to other issues, such as the use, netting, barrier, and deli issues and would have the applicants traffic expert testify. And then at the next meeting they could address the stormwater management and the calculations which he was told is readily available and could be furnished to the Board engineer tomorrow. **Chair Rochelle** said that the board wants nothing more than to move this forward but that the Board does not have the data and he does not have a letter from the engineer explaining this to the Board. In his opinion the application is incomplete and he doesn't believe the Board has the ability to make it complete. He feels to grant the waiver and listen to the testimony but based on the deficiencies does not seem appropriate. He advised this would need to be put to the Board, and that at the current time the application is incomplete. He entertained a motion to grant a temporary waiver for matters of completeness or the board would deem it incomplete. **Kaczynski** advised the Board that if they proceed with testimony tonight without this information and then it comes to light that this information could impact some of the testimony the Board hears, they may have to go back and re-do a lot of what would be already done tonight. She reiterated the calculations are a completeness item so if they don't have that item, it would have to be a waiver that the Board would grant however if it were provided after the fact it could affect the testimony that is provided tonight. The Board would not have the opportunity to review and ask questions of the witnesses tonight and may have to possibly go back and do it again. She advised it is up to the Board to decide if they want to proceed and provide the applicant with that waiver or deem it incomplete. If the Board decides to make a motion to deem the application incomplete, she recommends that the applicant not notice for another hearing until the application comes back before the board deemed complete by the Board and then the hearing is scheduled so that the Board does not continue down the same path. De Sapio asked that if the waiver is granted for the stormwater calculations tonight, they do not and will not propose to submit any testimony on the issue of stormwater management tonight. He continued that there will not be any testimony that the Board will need those calculations for tonight. There is enough in this application to go over without it and the application would not be done in one night regardless.

**Chair Rochelle** advised he is not comfortable moving forward without having everything in order and asked the attorney for the motion. **Kaczynski** advised that the applicant has made a request that the

Board grant a waiver from these stormwater calculations for the newly designed detention basin that has been provided on the plans. She continued the motion should be to grant the waiver and proceed tonight, deem the application complete with that waiver granted and allow the applicant to proceed. He advised that he would not present any testimony relating to stormwater management. **Chair Rochelle** asked for the motion, **Pauch** made the motion and it was seconded by **Kimsey**. **Ayes: Fritsche and Pauch. Nays: Chair Rochelle, Papazian, Freedman, Canavan, Tucker, Deputy Mayor Kiernan, and Committeeman Pfefferle.** **Chair Rochelle** announced that the application is incomplete, and that the applicant gets in touch with the Board Engineer to ensure all necessary information is submitted. At the next meeting if the applicant is deemed complete, they will schedule the hearing for the following meeting.

De Sapio asked for a clarification from the Board engineer if they are only deficient in the stormwater calculations or is there something in addition to that. **Decker** advised the items outstanding are the drainage calculations for the basin. He asked De Sapio if this meant they would be withdrawing the statement that was also submitted that stormwater management is not required. De Sapio answered no not until they have a discussion on the hearing. **Kaczynski** advised that if they plan to have testimony at the hearing that stormwater management is not required, De Sapio needs to provide engineering testimony. De Sapio asked if that could be provided at the hearing. **Decker** advised that there is confusion because he has a plan from the applicant showing stormwater management and there is also testimony that will be provided at the hearing to say that it is not required. He continued it would be helpful to have whatever information the applicant has ahead of time so that if he is proven wrong, they can move forward at the meeting. He had photos in his November 17<sup>th</sup> letter that he feels documents that stormwater management is required. De Sapio asked if that would be on the issue of whether or not the conditions that are there now are existing conditions over the last five years. **Decker** advised it would be existing conditions dating back to 2004 because that is when stormwater management regulations kicked in. De Sapio reiterated the two things that the engineer needs are the stormwater management calculations for the present proposal which he would call the alternate proposal because they want to make a presentation that it is not required and only if it is determined that it is required does the applicant want the Board to consider that stormwater management proposal. They would like to make a presentation that it is not required. De Sapio continued the second would be whatever documentation to be presented for the argument that stormwater management is not required for the application. De Sapio felt that was clear now. He then asked the attorney about the hearing notice. **Kaczynski** asked that De Sapio send the notice over ahead of time for her review to make sure that it is encompasses all the relief required. De Sapio asked if there would be a hearing at the next meeting. **Kaczynski** advised that due to the issues regarding the application being deemed complete that the next meeting will be for completeness and then the following meeting would be for the public hearing and would require the notice. De Sapio asked to point out that it was at least the second time that the meeting was noticed. He felt that some where along the line the applicant was told that he was okay to notice. **Kaczynski** advised that the applicant was allowed to notice for this meeting with the understanding that the stormwater would be back on the plans along with the calculations along with the description, but this was not provided. She continued in order to avoid any other confusion that the board has the information requested first, the application be deemed complete and then the applicant would notice for the hearing and feels it is the safest route. De Sapio advised he doesn't feel it's the best route to put it off until January, but it is the Board's discretion. **Pauch** said he doesn't know why we can't deem the application complete and then hear the application in the same meeting. **Chair Rochelle** advised that they were flexible at the last meeting and as a result they have incomplete documentation. This way they make sure they have the information to have Decker review it and it is deemed complete before they move on to the next phase. Last time they advised they will deem it

complete as long as you have everything, but that wasn't provided, and it is not an efficient use of the Board's time. De Sapio asked to say that he believed that the application was deemed complete and that is why they had the notice of the meeting. **Chair Rochelle** advised that due to the information being changed by the applicant, it moved the application from complete to incomplete. **Kaczynski** advised the next meeting is December 17<sup>th</sup>, if the application is deemed complete at that meeting then the applicant will notice for the January meeting.

- **Bush-Bennett – Use Variance**

Block 7 Lot 15  
536 Woolf Road

**Chair Rochelle** asked for a roll call to see if there are any questions on the resolution. **Pauch** said that he thought that a variance application was taken on its own merit but that there was concern by the Board that by approving this variance it sets a precedent for this type of use variance. **Kaczynski** advised that every application is reviewed on its own merit based on the circumstances however if an applicant comes in, they have the ability to point to prior applications to the board to the extent that there are similar circumstances, facts and relief. She continued that the applicant in that similar situation could bring that to the Board's attention but not any use variance application. **Pauch** asked if the Board has the right to say it was a different set of circumstances in their opinion and it doesn't apply. **Kaczynski** advised that every board member is entitled to their opinion, factually what it boils down to may be different and if the Board feels it doesn't apply then yes, they could say it doesn't apply. There were no other comments from the Board.

**Chair Rochelle** asked for a motion to approve the Resolution of Approval for the Bush-Bennett Use Variance. **Tucker** made the motion seconded by **Papazian**. **Ayes: Papazian, Fritsche, Tucker, Pauch and Kimsey. No Nays. Motion Carried.**

#### **Correspondence**

Hunterdon County Land Development Standards: Proposed Amendment – Information Only

#### **Approval of Bills**

A motion was made to approve the bills for the professionals of the Land Use Board by **Papazian** and seconded by **Pauch**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Deputy Mayor Kiernan, Committeeman Pfefferle, Pauch, Kimsey and Hahola. No Nays. Motion Carried.**

#### **Comments from the Board/Public**

**Kaczynski** asked if the Board Secretary received any mail, emails or any general comments in connection with tonight's meeting to be read into the record. She did not.

#### **Motion to Adjourn**

A motion to adjourn was made by **Kimsey** and seconded by **Fritsche** at 8:13pm. **Vote: All Ayes. No Nays. Motion Carried.**

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**Leigh Gronau, Board Secretary**